

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

REGIS F. LUTZ, et al.,	)	CASE NO. 4:09-cv-2256
	)	
	)	
PLAINTIFFS,	)	JUDGE SARA LIOI
	)	
vs.	)	
	)	<b>ORDER</b>
CHESAPEAKE APPALACHIA, LLC, et	)	
al.,	)	
	)	
DEFENDANTS.	)	

On March 12, 2015, the Court conducted an impromptu telephone conference with counsel necessitated by the Court's conclusion, after lengthy deliberations relating to the parties' pending cross-motions for summary judgment, that the primary question driving resolution of this case is a question of state law that has not yet been definitively decided by the Ohio Supreme Court. The Court advised counsel that it is inclined to certify question(s) pursuant to Ohio Supreme Court Rule of Practice XVIII and elicited counsel's views in that regard.

After that discussion, the Court concludes that the motions for summary judgment (Doc. Nos. 114 and 118) should be, and hereby are, administratively denied, without prejudice to renewal at an appropriate time.

Further, the Court directs counsel to confer in good faith and to propose a draft order certifying the appropriate question(s) to the Ohio Supreme Court, taking care to frame the issues in a balanced and neutral way, and to conform the draft order to the directives of Rule of Practice XVIII. The order, in Word format, shall be emailed to the Court's law clerk, Sharon Derivan, at [sharon\\_k\\_derivan@ohnd.uscourts.gov](mailto:sharon_k_derivan@ohnd.uscourts.gov) by no later than noon on Friday, March 20,

2015. The Court will then work with counsel to finalize the order and thereafter issue a final certifying order.

**IT IS SO ORDERED.**

Dated: March 13, 2015

  
\_\_\_\_\_  
**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**